

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 13-06**

**IN RE: STEVEN C. MOBLEY
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**INITIATING ORDER
Initiation of Administrative Proceeding
And Formal Complaint**

The Executive Branch Ethics Commission (the “Commission”), upon its own motion, initiated a preliminary investigation of Steven C. Mobley (the “Respondent”) pursuant to KRS 11A.080(1), on September 24, 2012, and expanded on January 28, 2013, and March 18, 2013.

At all relevant times the Respondent was a “public servant” as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether it has sufficient probable cause to believe the Respondent violated provisions of KRS Chapter 11A, the Executive Branch Code of Ethics (also referred to herein as the “Ethics Code”).

The Commission focused its investigation upon the Respondent’s possible violation of the Ethics Code by influencing a public agency in derogation of the state at large; using his official position or office to obtain financial gain for his family member; using his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest; and failing to report on his Statement of Financial Disclosure a gift valued at over \$200 that he had received during a calendar year.

The Commission notified the Respondent of the preliminary investigation by

letters dated September 25, 2012, January 30, 2013, and March 18, 2013. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on March 18, 2013, to initiate an administrative proceeding, pursuant to KRS 11A.080(4)(b) and KRS Chapter 13B, to determine whether the Respondent violated the Ethics Code as set forth in the Allegations of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

IT IS THEREFORE ORDERED that:

1. The Respondent shall file his answer to this Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.
2. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that he committed the Ethics Code violations set forth in the Allegation of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.
3. A Hearing Officer will be appointed.
4. The Commission is represented by Kathryn H. Gabhart, General Counsel, and John R. Steffen, Executive Director. They may be contacted through the Commission's office at (502) 564-7954.
5. All original material plus one copy shall be submitted to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601.
6. Once a Hearing Officer is appointed, a copy of all materials shall be served on the designated Hearing Officer as well.

7. The Respondent has the right to legal counsel during this proceeding. If the Respondent retains legal counsel, that person shall file an appearance with the Commission, and thereafter all correspondence from the Commission to the Respondent shall be mailed or delivered to the Respondent's attorney.

8. The Respondent has the right to examine upon request, at least five (5) days prior to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence that will be used at the hearing and any exculpatory information in the Commission's possession.

9. The Respondent has the right to subpoena witnesses on his own behalf. If the Respondent subpoenas witnesses, he shall pay for all costs associated with the subpoenas' issuance, including any applicable witness fees.


10. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

11. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.


12. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

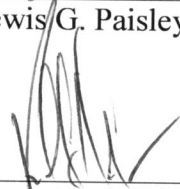
So ordered this 18th day of March 2013.

EXECUTIVE BRANCH ETHICS COMMISSION:



W. David Denton, Chair

William G. Francis, Vice-Chair

Lewis G. Paisley, Member

Richard L. Masters, Member

Martin E. Johnstone, Member

**APPENDIX A
CASE NO. 13-06
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Steven C. Mobley, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Agriculture. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Steven C. Mobley committed the following violations:

COUNT I

Steven C. Mobley, during his course of employment as Director, Agriculture Marketing and Agribusiness Recruitment, Department of Agriculture, used or attempted to use any means to influence a public agency in derogation of the state at large, used his official position to obtain financial gain for his family member, and to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest at large.

Specifically, during the course of his employment with the Department, the Respondent completed timesheets on behalf of his brother, William E. Mobley. William E. Mobley was assigned the duties of a Stockyard Market Reporter, which required him to appear at designated stockyards and create market reports of the stockyard's activities for the Department's market news, but consistently failed to appear at these stockyards and failed to make market reports of the activities of the stockyards. By falsely reporting time on William E. Mobley's timesheets, the Respondent enabled his brother to collect pay for time he did not work and to receive compensation while failing to fulfill his assigned job duties.

These facts constitute violations of KRS 11A.020(1)(b), (c), and (d).

KRS 11A.020(1)(b)(c) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

- (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;
- (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
- (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

COUNT II

Steven C. Mobley, during his course of employment as Director, Agriculture Marketing and Agribusiness Recruitment, Department of Agriculture, used or attempted to use any means to influence a public agency in derogation of the state at large, used his official position to obtain financial gain for his family member, and to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest at large.

Specifically, during the course of his employment with the Department, the Respondent completed travel vouchers for his brother, William E. Mobley, while assigned the duties of a Stockyard Market Reporter, even though his brother consistently failed to appear at his designated stockyards. The Respondent falsely reported that his brother used his personal vehicle to travel to these stockyards allowing his brother to collect reimbursement for mileage for travel to these stockyards that his brother did not incur in the performance of duties for the Department.

These facts constitute violations of KRS 11A.020(1)(b), (c), and (d).

KRS 11A.020(1)(b)(c) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

- (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;

- (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
- (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

COUNT III

Steven C. Mobley, during his course of employment as Director, Agriculture Marketing and Agribusiness Recruitment, Department of Agriculture, failed to report on his Statement of Financial Disclosure gifts valued at over \$200 that he had received during a calendar year.

Specifically, during 2008, the Respondent received a gift in the form of a wooden hat valued at approximately \$600 from a Kentucky Proud vendor. The Respondent failed to report receiving any gifts in excess of \$200 dollars on his 2008 Statement of Financial Disclosure filed with the Executive Branch Ethics Commission.

These facts constitute violations of KRS 11A.050.

KRS 11A.050 provides:

- (1) Each officer, each public servant listed in KRS 11A.010(9)(a) to (g), and each candidate shall file a statement of financial disclosure with the commission, as follows:

- (a) Each officer and each public servant listed in KRS 11A.010(9)(a) to (g) who occupies his position during any portion of a calendar year shall file the statement for that portion of the calendar year he occupied the position on or before April 15 of the following year, whether or not he remains an officer or public servant as listed in KRS 11A.010(9)(a) to (g).

- (3) The statement shall include the following information for the preceding calendar year:

- (k) Sources, including each source's name and address, of gifts of money or property with a retail value of more than two hundred dollars (\$200) from any one (1) source to the filer, his spouse, or dependent children, except those from a member of the filer's family.

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